United Nations ST/IC/2001/27

Secretariat

10 April 2001

Information circular*

To: Members of the staff

From: The Under-Secretary-General for Management

Subject: **Visa status in the United States of America**

1. The purpose of the present circular is to provide additional information on the conditions of application of administrative instruction ST/AI/2000/19 (Visa status of non-United States staff members serving in the United States, members of their household and their household employees, and staff members seeking or holding permanent resident status in the United States). Staff members should familiarize themselves thoroughly with the provisions of that instruction. It is available on the Intranet, where it can be accessed under "reference material".

2. Questions pertaining to G-4 visas are covered in section I of this circular (paras. 3-25). Section II concerns questions relating to permanent resident status, in respect of staff members at the time of recruitment or while employed (paras. 26-30) as well as former staff members after separation from service on a G-4 visa and certain of their relatives (paras. 31-32). Section III deals with G-5 visa questions (paras. 34-52).

Section I. G-4 visas

What is a G-4 visa and who is eligible for it?

3. The G-4 visa is a non-immigrant visa granted to officials or employees of international organizations while stationed on official business in the United States of America, as well as to members of their immediate families. The United States authorities grant a G-4 visa in order to permit staff members who are not citizens or permanent residents of the United States to work at United Nations Headquarters in New York or in other locations in the United States.

4. The immediate family of a staff member eligible for a G-4 visa include a spouse, unmarried dependent children under the age of 21 and children for whom a staff member receives an education grant.

5. Other relatives, including children who are 21 years old or older for whom the staff member does not receive an education grant, may be eligible for a G-4 visa

* The present circular will be in effect until further notice.

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when they demonstrate close ties and a continued dependency on the staff member. It must be established that they seek entry to the United States in order to reside with the staff member. This excludes applications that are submitted for other purposes, such as study, the pursuit of business or employment opportunities. Applications for a G-4 visa for relatives other than the immediate family of the staff member are submitted to the United Nations Visa Committee, and subsequently to the Assistant Secretary-General for Human Resources Management for approval.

6. The Visa Committee will generally give favourable consideration to applications by relatives previously living in the staff member's household before coming to the United States and for parents who are over the age of 65. If the relative was not previously living in the staff member's household, the staff member will be required to explain the compelling reasons for which the relative would now join his or her household. If the relative is not financially dependent on the staff member, the staff member will be required to justify the request on other compelling grounds, such as physical need for family care in the case of parents, or incapacity or minority in the case of siblings.

Application for G-4 visas

7. For staff members who are newly recruited to New York, or assigned or transferred to New York from another duty station:

(a) The Human Resources Officer handling the recruitment or the Executive Officer handling the assignment or transfer prepares an application for G-4 visa(s) for the staff member and his or her immediate family members;

(b) The Office of Human Resources Management or the executive office submits the application to the Chief of the Travel and Transportation Service, Office of Conference and Support Services;

(c) The Chief of the Travel and Transportation Service issues a formal request for issuance of a G-4 visa for the staff member and immediate family members to the appropriate United States consular office where the visa will be granted.

8. For staff members already in the United States who seek conversion of a prior visa to G-4 status for themselves or members of their immediate family:

(a) The staff member obtains form PT.63* (request for change to G-4 visa status) or form PT.63/A* (request for change to G-4 visa status for spouse and family members) and submits the completed form to the Human Resources Officer;

(b) The Office of Human Resources Management transmits the request to the Chief of the Travel and Transportation Service for transmittal to the United States Mission.

9. For staff members requesting a G-4 visa for relatives other than immediate family members:

(a) The staff member obtains form TTS.1,* and forms VC.3 and VC.4 from the secretariat of the Visa Committee, and submits the completed forms to the secretariat of the Committee, together with evidence of health insurance;

* Available on Intranet, Quicklink "Forms".

(b) If the request is approved, the Visa Committee secretariat transmits completed form TTS.1 to the Chief of the Travel and Transportation Service together with evidence of health insurance;

(c) The Chief of the Travel and Transportation Service issues a formal request for issuance of a G-4 visa to the United States consular office where the applicant will appear in person;

(d) A copy of the request is given to the staff member for transmittal to the relative. The staff member should advise the relative to go to the United States consular office with a valid national passport in order to obtain the visa. The relative may not apply for, or accept, any other type of visa while awaiting issuance of a G-4 visa.

Duration of authorized stay and extension of G-4 visa

10. The duration of the G-4 visa and the number of entries granted by the United States authorities depend on a number of factors, including the contractual status and nationality of the visa holder.

11. When a staff member or a family member to whom a G-4 visa has been granted arrives in the United States, the immigration official generally records "G-4, D/S" on United States Government form I-94 (permission to stay, arrival-departure record), which is stapled into the passport. This notation establishes the G-4 visa status as valid for as long as the staff member remains in the employ of the United Nations and does not leave the United States.

12. However, if a specific expiration date for the G-4 visa status is recorded on form I-94, and the staff member is required to remain on duty in the United States beyond the specified date, the staff member must request an extension by writing a memorandum to the Chief of the Transportation and Travel Service through his or her executive office. Extension requests for relatives other than immediate family members should be submitted to the Visa Committee secretariat. All requests for an extension should be presented at least 30 working days before the expiration date specified on the I-94 form.

Request for renewal of G-4 visa in case of travel and re-entry into the United States

13. Before leaving the United States on official or personal travel, staff members and their family members on a G-4 visa should make sure that the G-4 visa stamped in their passports will still be valid on the expected date of re-entry. If not, they will have no valid document for re-entry as the I-94 form is removed upon departure from the United States.

14. If the G-4 visa has expired, and there are at least 15 working days before departure from the United States, a new G-4 visa for the staff member and immediate family members should be requested as follows:

(a) The staff member obtains form PT.61,* completes it in duplicate and submits it to the executive or administrative office, with the national passport or the United Nations laissez-passer;

* Available on Intranet, Quicklink, "Forms".

(b) The executive or administrative office certifies the completed forms;

(c) The staff member hand-delivers the completed forms, together with the passport or laissez-passer, to the Travel and Transportation Service, which will forward it to the United States Mission.

15. If there are less than 15 working days before departure from the United States, a new G-4 visa for the staff member and immediate family members should be requested as follows:

(a) The staff member obtains form TTS.1,* completes the form, obtains certification of the form from the executive or administrative office and submits it to the Travel and Transportation Service;

(b) The Travel and Transportation Service gives to the staff member a copy of the facsimile request addressed to the appropriate United States consulate or embassy abroad where that copy will have to be presented in order to obtain a new G-4 visa.

16. Requests for new G-4 visas for relatives other than immediate family members should be submitted to the Visa Committee. The Visa Committee secretariat transmits endorsed requests to the Chief of the Travel and Transportation Service.

Expiration and cancellation of G-4 visas

17. When a staff member separates from service, goes on special leave with or without pay, or is transferred to a duty station outside the United States, his or her right to stay in the United States expires automatically, even if the G-4 visa stamped in the passport shows a date of validity beyond the date of separation or transfer. The same applies to family members whose G-4 visa status is derivative from the status of the staff member.

18. Staff members are required to comply strictly with the procedure set out in section 3 of ST/AI/2000/19 for cancellation of G-4 visas for themselves and their family members prior to the effective date of their separation from service, special leave or transfer. This must be done, **at the latest**, one week prior to that date. Visas that have already expired do not have to be cancelled under that procedure.

19. Staff members who have obtained a G-4 visa for a spouse from whom they are subsequently divorced are required to follow the procedure prescribed in section 3.3 of ST/AI/2000/19.

20. During the exit interview required before departure, staff members will be requested to confirm that they have followed the visa cancellation procedures and provide a photocopy of the cancelled or expired visas.

21. In practice, United States authorities allow staff members and their families 30 days to leave the country or adjust their status after the date of expiration of their G-4 visa. If additional time is required, the staff member should contact the Office of Host Country Affairs at the United States Mission without delay.

22. In the event of the death in service of a staff member with G-4 status, the Staff Counsellor may be contacted for guidance in requesting extension of the normal 30-day period for surviving family members who are on derivative G-4 visas.

* Available on Intranet, Quicklink "Forms".

Permission to work for holders of derivative G-4 visas

23. Employment of spouses and dependent children who are on derivative G-4 visas is generally authorized, within certain limitations. Employment is not authorized for other relatives who may also have a derivative G-4 visa. Unmarried children who are less than 23 years old and are full-time students seeking to work part time during the academic year, or full time during school holidays, are normally authorized to do so without limitations. Children on G-4 visas who have reached their twenty-third birthday will not be authorized to work unless they are physically or mentally disabled.

24. The necessary information and forms to seek authorization to work may be obtained from the Staff Counsellor's office. Requests for permission to accept employment must be submitted to the United States Immigration and Naturalization Service through the United States Mission. Permission is required before employment begins. It may be granted for a maximum period of three years and may be renewed. A new request must be submitted upon each change of employment.

25. All income earned in the United States by holders of derivative G-4 visas is subject to income and social security taxes.

Section II. Permanent resident status
For staff members at the time of recruitment or while employed

26. Under section 5.6 of ST/AI/2000/19, non-United States citizens who have permanent resident status in the United States are required to renounce such status and to change to G-4 visa status upon appointment. The same rule provides that staff members who seek to change to permanent resident status will not be granted permission to sign the waiver of rights, privileges, exemptions and immunities required by the United States authorities for the acquisition or retention of permanent resident status. The provision is based on a policy established in 1953 by the General Assembly that persons in permanent resident status should in future be ineligible for appointment as internationally recruited staff members unless they are prepared to change to a G-4 visa status (or equivalent status in host countries other than the United States of America). That policy was adopted because it was considered that a decision to remain in permanent resident status in no way represents an interest of the United Nations. On the contrary, to the extent (if any) that it may weaken existing ties with the country of nationality, it is an undesirable decision.

27. The general rule stated in section 5.6 does not apply in a limited number of situations, which are strictly defined in section 5.7 of the instruction.

28. The most frequent situation will arise in New York in respect of locally recruited staff members in the General Service and related categories, who are authorized to retain their permanent resident status on recruitment, or to acquire that status in the course of their service with the Organization. Those who are newly recruited will be asked to produce their alien registration card for the Office of Human Resources Management on the day they report for duty. Staff members who have already been recruited and wish to acquire that status are required to do the following:

(a) Advise the Office of Human Resources Management in writing prior to making their application to the authorities of the United States;

(b) If the application is successful, sign a waiver of rights, privileges, exemptions and immunities, as required by United States authorities. The staff member must request authorization to do so from the Office of Human Resources Management;

(c) Immediately inform the Office of Human Resources Management in writing of the date of signature of the waiver and produce his or her alien registration card.

29. Acquisition of permanent resident status places staff members in a position of parity with staff who are nationals of the United States with respect to their status and entitlements in the United Nations, including home leave, education grant and repatriation grant, from the date on which they have been granted permanent resident status as shown on their alien registration card.

30. Permanent residents are subject to all applicable United States laws and are liable to pay income taxes on their United Nations earnings. They are not, however, eligible to contribute to the United States Social Security Programme and do not pay social security taxes. Staff members authorized to sign the waiver of rights, privileges, exemptions and immunities required by the United States Government become eligible to obtain tax reimbursement on their United Nations earnings under staff regulation 3.3 (f) and ST/AI/1998/1 as from the date of the signature of the waiver. For that purpose, they are required to follow the procedures contained in the information circular on payment of income taxes that is issued annually by the Controller.

For former staff members after separation from service on a G-4 visa, and certain of their relatives

31. The following table provides information on some essential conditions under which former staff members previously serving on a G-4 visa, and certain of their relatives, may be allowed to change their visa status. **Please note that the information is subject to change at any time by the United States authorities.**

Category	*Required residence and physical presence in the United States*	*Application deadlines*
A. Eligible for "special immigrant" status:		
(1) Unmarried son or daughter of official on G-4 visa	On a G-4 or N visa: (a) ½ of the 7 years before date of application; and (b) 7 years* between ages 5 and 21	25th birthday
(2) Surviving spouse of deceased official formerly on G-4 visa	On a G-4 or N visa: (a) ½ of the 7 years before date of application; and (b) 15 years* before death of official	6 months after death of official
(3) Retired official formerly on G-4 visa	On a G-4 visa: (a) ½ of the 7 years before date of application; and (b) 15 years* before date of retirement	6 months after retirement
(4) Spouse of a retired official granted special immigrant status under A (3) who accompanies or follows official as member of immediate family	None	None
B. Eligible for "N" category non-immigrant visa:		
(1) Parent of child granted special immigrant status under A (1) until child becomes 21	None	None
(2) Child, until age 21, of parent who is granted:		
– "N" visa under B (1); or	None	None
– Special immigrant status under A (2), (3) or (4)	None	None

* These amounts are totals, and need not constitute a continuous period.

32. **Neither the Office of Legal Affairs, nor the Office of Human Resources Management is staffed to provide advice or assistance as to the status of non-United States staff members, former staff members or relatives wishing to stay in the United States on a basis other than on a G-4 visa. Staff members should seek the advice of competent immigration lawyers.**

Section III. G-5 visas

33. The information provided below should be read in conjunction with sections 6 to 10 of ST/AI/2000/19, which contains the applicable rules.

What is a G-5 visa and who is eligible for it?

34. A G-5 visa may be granted to household employees of staff members who hold a G-4 visa. This is not part of the benefits extended to staff members but a privilege granted by the host country to serve the interests of the Organization. The employment of household help under a G-5 visa is subject to the laws and

regulations applicable to employment contracts in the United States of America and the specific state concerned. A staff member employing such household help is responsible for compliance with these laws and regulations. The United Nations will not assume any liability arising from or relating to such laws and regulations or any legal actions in connection with the employment of household help by any staff member.

35. A G-5 visa will not be granted if the prospective employee is related to the staff member or his or her spouse, or has no previous experience in domestic service. The employee should come from the same cultural background as the staff member, or have several years of documented domestic service in the staff member's household. A G-5 visa cannot be used for any other purpose for which the United States authorities grant another type of non-immigrant visa category, such as study, business, tourism or specific employment.

Application for a new G-5 visa

36. A valid G-5 visa is required for the household employee to enter the United States. Staff members wishing to obtain a G-5 visa for a household employee are required to submit an application to the United Nations Visa Committee, which will provide advice to the Assistant Secretary-General for Human Resources Management.

37. The staff member should obtain from the Visa Committee secretariat a complete set of application documents. A completed application consists of:

(a) A signed undertaking by the staff member;

(b) A request for endorsement of the G-5 visa application, with all necessary attachments;

(c) A standard employment contract, to be signed by the staff member and the household employee. The contract must be in English and, if the employee does not understand English, in another language that the employee understands;

(d) A signed form TTS.1* (request for United States visa). However, if the prospective employee is in the United States on another type of visa, form PT.63/B* (request for change to G-5 visa status [for household employee]) should be submitted. In those cases, the United States authorities may not consider adjustment of visa status unless the prospective employee applies from outside the United States;

(e) If the staff member has previously employed a G-5 visa holder, records concerning the previous employee should be submitted as well.

38. The Visa Committee secretariat transmits endorsed requests to the Chief of the Travel and Transportation Service for transmittal to the United States authorities.

Obligations of the staff member employing a G-5 visa holder

39. On arrival in the United States of the household employee to whom a G-5 visa has been granted, the staff member is required to inform the Visa Committee secretariat and the Travel and Transportation Service by submitting a form entitled "Clarification of status of household employee", available from the Visa Committee

* Available on Intranet, Quicklink "Forms".

secretariat, together with a copy of the signed contract of employment, a copy of the G-5 visa and of United States Government form I-94.

40. As the household employee is subject to United States laws on taxes and social security while holding a G-5 visa, unless there is a totalization/social security agreement between the United States and the country of nationality of the household employee, staff members are required to withhold income, social security and state taxes from their household employees and to submit them, together with their own share of social security contribution, to the appropriate tax authorities.

41. Special rules regarding income tax and participation in the United States Social Security Programme apply to household employees of senior United Nations officials at the Assistant Secretary-General level and above, as a result of the provisions of the Convention on the Privileges and Immunities of the United Nations and of the Vienna Convention on Diplomatic Relations. Those rules are set out in section 10 of ST/AI/2000/19.

42. All staff members are required to provide adequate health insurance coverage for their household employees. The United Nations will assume no responsibility in this regard, or in assisting staff members who have incurred medical expenses on account of their household employee.

43. Staff members employing a G-5 visa holder are required to maintain the records listed in section 6.3 of ST/AI/2000/19 **for the duration of actual employment and for three years thereafter.**

44. At the end of the authorized employment or on cancellation of the employee's G-5 visa, the staff member is responsible for making arrangements for the repatriation of the employee. Evidence of such repatriation, including original boarding passes or a copy of the passport of the employee stamped upon arrival in the home country, must be submitted to the United Nations Visa Committee.

45. If the household employee ceases to be employed by the staff member and is to be employed by another staff member on a G-4 visa, both staff members must inform the United Nations Visa Committee of the proposed change, as provided in section 7.3 of ST/AI/2000/19. The new prospective employer will then submit an application for G-5 visa, following the procedure set out in paragraph 37 above. Pending approval, or in the absence of approval, the responsibility to repatriate the household employee remains with the original employer.

Duration of authorized stay and extension of G-5 visa

46. The duration of authorized stay is indicated in the I-94 form, which is stapled into the passport by a United States Immigration and Naturalization Service official upon the arrival in the United States of the household employee to whom a G-5 visa has been granted. Staff members are urged to review the I-94 form in their employee's passport to ensure compliance with all applicable rules.

47. If the household employee wishes to remain in the United States beyond the period authorized by the I-94 form, an extension of authorized stay must be obtained. This should be done as follows:

(a) The staff member obtains from the Visa Committee secretariat United States Government form I-539 (application to extend time of temporary stay);

(b) The staff member submits the completed form, together with the household employee's I-94 form and a certificate that the staff member still holds a G-4 visa and continues to employ the household employee;

(c) The Visa Committee secretariat transmits the completed application to the Travel and Transportation Service for transmittal to the United States Mission.

48. Household employees who have overstayed the authorized period, as indicated in their I-94 form, will be obliged to leave the United States and will not be eligible to be readmitted into the United States without first having obtained a new G-5 visa in their country of nationality. United States authorities have made a limited number of exceptions to the requirement that a new G-5 visa should be obtained in the country of nationality, in particular:

(a) If an application was filed on behalf of a household employee prior to the expiration date shown on the I-94 form, but was not approved by the United States authorities until after that date, the employee will not ordinarily be required to return to his or her country of nationality to obtain a new G-5 visa;

(b) A G-5 visa applicant who has a current residence in a country other than that of his or her nationality or the United States will have the option to apply for his or her visa in that country;

(c) G-5 applicants from a country where the United States does not have a visa-issuing post may apply in certain countries designated by the United States Department of State.

Cancellation of G-5 visa

49. Staff members are required to comply strictly with the provisions of section 8 of ST/AI/2000/19 concerning the cancellation of their household employee's G-5 visa when household employment is terminated or when the staff member is no longer eligible for a G-4 visa, as will occur upon separation from service, transfer to a duty station outside the United States, or change from G-4 to another visa status.

50. The staff member is required to submit the following documentation at the latest within one week before his or her change of visa status:

(a) The passport of the household employee holding the G-5 visa, so that the visa may be cancelled;

(b) The employee's I-94 form.

Those documents must be presented either to the United States Mission, or to the Travel and Transportation Service, which will transmit them to the United States Mission for processing.

51. Upon cancellation, the staff member is required to submit copies of the cancelled documents to the Visa Committee secretariat.

52. The staff member is responsible for making all necessary arrangements for the repatriation of a household employee whose G-5 visa has been cancelled and for submitting proof of repatriation to the Visa Committee secretariat.